



General Assembly

***Substitute Bill No. 34***

*February Session, 2000*

***An Act Concerning Natural Resources Programs Of The  
Department Of Environmental Protection.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 26-142a of the general statutes, as amended by  
2       section 1 of public act 99-78 and section 24 of public act 99-225, is  
3       repealed and the following is substituted in lieu thereof:

4       (a) No person shall operate, use or attempt to operate or use a vessel  
5       for commercial fishing or landing activities authorized by this section  
6       unless the commissioner has issued a vessel permit for such vessel to  
7       the owner of the vessel. No person shall use or assist in using  
8       commercial fishing gear in any water of the state or land in this state  
9       any species taken by commercial fishing gear or for commercial  
10      purposes, regardless where such species was taken, unless such person  
11      has been licensed by the Commissioner of Environmental Protection to  
12      use such commercial fishing gear or land such species; except that any  
13      person who holds a license to set or tend gill nets, a license to take  
14      lobsters or fish for personal use, a resident commercial fishing license,  
15      a nonresident commercial fishing license or a commercial landing  
16      license may be accompanied and assisted by persons not so licensed. A  
17      resident of a state which does not issue commercial licenses to take eels  
18      to residents of Connecticut shall not be eligible to obtain a commercial  
19      license to take eels in the waters of this state or to land eels in this state.  
20      No vessel shall be used to land any finfish, lobsters, crabs, including

21 blue crabs, sea scallops, squid or bait species for sale, barter, exchange,  
22 consignment or transportation to any point of sale unless an operator  
23 of the vessel is licensed for such purpose, except that any person who  
24 holds a commercial fishing license issued by the commissioner to fish  
25 by the method used to take such species, regardless of where such  
26 species were taken, shall not be required to obtain a landing license.  
27 No person shall take or attempt to take lobsters for personal use by  
28 hand or by scuba diving or skin diving unless such person has been  
29 licensed by the commissioner to take lobsters by such methods. No  
30 person shall take or attempt to take finfish for commercial purposes by  
31 the use of hook and line, including but not limited to rod and reel,  
32 hand line, set line, long line, or similar device unless such person has  
33 been licensed by the commissioner to use such gear for commercial  
34 purposes, except that notwithstanding the issuance of such a license,  
35 no person shall take finfish for commercial purposes in the inland  
36 district by the use of hook and line. Prior to July 1, 2001, no purse seine  
37 or similar device which is greater than three hundred feet in length  
38 shall be used to take menhaden nor shall menhaden be taken from a  
39 vessel greater than fifty feet in length. No purse seine or similar device  
40 shall be used to take menhaden unless the vessel from which such  
41 purse seine or similar device is used, tenders excepted, is registered  
42 with the commissioner. The use of a purse seine or similar device to  
43 take species other than menhaden is prohibited. The commissioner  
44 may adopt regulations, in accordance with the provisions of chapter  
45 54, to conserve the menhaden fishery and such regulations may  
46 provide for a moratorium on the taking of menhaden for any period of  
47 time that the commissioner deems necessary. No pound net shall be  
48 used to take finfish unless such pound net is registered with the  
49 commissioner. Lobsters and blue crabs taken in pound nets shall be  
50 released unharmed. No person shall buy for resale finfish, lobsters,  
51 crabs, including blue crabs, sea scallops or squid [for resale] landed in  
52 Connecticut from any commercial fisherman unless such [person]  
53 buyer has been licensed by the commissioner. No person shall take or  
54 assist in taking blue crabs for commercial purposes except by scoop  
55 net, hand line or manually operated and personally attended devices

56 approved by the commissioner and unless such person has been  
57 licensed by the commissioner. No person shall operate a charter boat,  
58 party boat or head boat for the purpose of fishing unless such boat has  
59 been registered for such purpose with the commissioner. The owner,  
60 operator or captain of any such boat may sell the boat's or crew's share  
61 of any catch if such sale is not prohibited on the basis of species, size or  
62 closed season. For the purposes of this chapter, a charter boat, party  
63 boat or head boat is a vessel carrying one or more crew members and  
64 which is operated for a fee for the purpose of transporting and  
65 providing a fishing platform for sport fishermen in the marine district.  
66 The commissioner may by regulations adopted in accordance with the  
67 provisions of chapter 54 exempt certain minnow seines, cast nets,  
68 scoop nets, traps, eel pots, seines less than thirty feet in length or any  
69 similar device used to take bait species and other species for personal  
70 use under a sport fishing license in the inland district and without a  
71 license in the marine district. No vessel used to take bait species may  
72 employ a fish pump. Persons licensed, registered or issued a permit to  
73 engage in activities authorized by this subsection shall carry on their  
74 persons or in the vessel being used to engage in such activity the  
75 permit, license or registration covering such activity.

76 (b) The commissioner shall issue fishing licenses, vessel permits and  
77 registrations to qualified applicants upon the submission of an  
78 application, on forms provided by the commissioner, containing such  
79 information as prescribed by the commissioner, and upon the payment  
80 of such license, registration or permit fees as are required by  
81 subsection (c) of this section, except that a nonresident whose permit,  
82 license or registration in his state of residence has been voided or  
83 suspended shall have his Connecticut permit, license or registration  
84 voided or suspended during the suspension of such out-of-state  
85 permit, license or registration or until another permit, license or  
86 registration is obtained in his state of residence. The commissioner  
87 shall not issue any fishing license or registration or vessel permit to  
88 any applicant who has not met the reporting requirements of section  
89 26-157b, as amended by this act. No vessel permit shall be issued to

90 any person for any vessel during the time period that such vessel  
91 permit has been revoked pursuant to subsection (f) of this section. Any  
92 fishing license or registration or vessel permit issued by the  
93 commissioner shall be nontransferable and shall expire on the thirty-  
94 first day of December next following its issuance.

95 (c) The fee for the following fishing licenses and registrations and  
96 for a commercial fishing vessel permit shall be: (1) For a license to take  
97 blue crabs for commercial purposes, fifty dollars; (2) for a license to  
98 take lobsters for personal use, but not for sale, (A) by the use of not  
99 more than ten lobster pots, traps or similar devices provided finfish  
100 may be taken incidentally during such use if taken in accordance with  
101 recreational fishery creel limits adopted under section 26-159a and if  
102 taken for personal use and not for sale, or (B) by skin diving, scuba  
103 diving or by hand, fifty dollars; (3) for a license to take lobsters, crabs  
104 other than blue crabs, squid, sea scallops and finfish, for personal use  
105 or for sale, by the use of more than ten lobster pots or similar devices,  
106 or by the use of any otter trawl, balloon trawl, beam trawl, sea scallop  
107 dredge or similar device, one hundred fifty dollars for residents of this  
108 state and [two hundred twenty-five] one thousand dollars for  
109 nonresidents, provided any such license issued to residents of states  
110 which do not issue commercial licenses conferring the same authority  
111 to take lobsters to residents of Connecticut shall be limited to the  
112 taking of crabs other than blue crabs, squid, sea scallops and finfish by  
113 the use of any otter trawl, balloon trawl, beam trawl, sea scallop  
114 dredge or similar device, and a nonresident shall not be issued such  
115 license if the laws of his state of residency concerning the taking of  
116 lobster are less restrictive than regulations adopted under the  
117 authority of section 26-157c; (4) for a license to set, tend or assist in  
118 setting or tending gill nets, seines, scap or scoop nets used to take  
119 shad, one hundred dollars; (5) for the registration of each pound net or  
120 similar device used to take finfish, one hundred dollars, provided  
121 persons setting, operating, tending or assisting in setting, operating or  
122 tending such pound nets shall not be required to be licensed; (6) for a  
123 license to set or tend gill nets, to tend or assist in setting or tending

124 seines, traps, fish pots, cast nets, fykes, scaps, scoops, eel pots or  
125 similar devices to take finfish other than shad or bait species for  
126 commercial purposes, or, in any waters seaward of the inland district  
127 demarcation line, to take finfish other than shad or bait species for  
128 commercial purposes by hook and line, or to take horseshoe crabs by  
129 hand, fifty dollars for residents of this state and [one] two hundred  
130 dollars for nonresidents, and any such license obtained for the taking  
131 of any fish species for commercial purposes by hook and line, [which  
132 species is regulated by a] in excess of any creel limit adopted under the  
133 authority of section 26-159a, one hundred dollars for residents of this  
134 state and [two] five hundred dollars for nonresidents, provided for the  
135 taking for bait of horseshoe crabs only, this license may be issued  
136 without regard to the limitations in section 26-142b, as amended by  
137 this act, to any holder of a Department of Agriculture conch license  
138 who held such license during the years of 1995 through 1999, inclusive;  
139 (7) for a license to set, tend or assist in setting, operating or tending  
140 seines, traps, scaps, scoops, weirs or similar devices to take bait species  
141 in the inland district for commercial purposes, twenty dollars; (8) for a  
142 license to set, tend or assist in setting, operating or tending seines,  
143 traps, scaps, scoops or similar devices to take bait species in the marine  
144 district for commercial purposes, twenty dollars; (9) for the registration  
145 of any boat or vessel, except a tender, engaged in using a purse seine  
146 or similar device to take menhaden, fifty dollars for residents of this  
147 state and [seven hundred fifty] two thousand dollars for nonresidents;  
148 (10) for a license to buy finfish, lobsters, crabs, including blue crabs, sea  
149 scallops, squid or bait species for resale from any commercial  
150 fisherman licensed to take or land such species for commercial  
151 purposes, regardless where taken, twenty-five dollars; (11) for the  
152 registration of any party boat, head boat or charter boat used for  
153 fishing, twenty-five dollars; (12) for a license to land finfish, lobsters,  
154 crabs, including blue crabs, sea scallops, squid or bait species, two  
155 hundred twenty-five dollars; (13) for a commercial fishing vessel  
156 permit, fifty dollars; (14) for a license to take menhaden from marine  
157 waters for personal use, but not for sale, by the use of a single gill net  
158 not more than sixty feet in length, fifty dollars.

159 (d) The commissioner may determine for all waters of the state,  
160 including the inland and marine districts, areas within which  
161 commercial fishing gear may be set or used, the specifications and  
162 dimensions of such commercial fishing gear, including materials,  
163 length, depth, width, and size of mesh, the length of set lines or long  
164 lines, the number and size of hooks, and, for all commercial fishing  
165 and landing activities by persons issued either a commercial fishing  
166 vessel permit or a license by the commissioner, regardless where such  
167 activities take place, the species which may be taken, possessed or  
168 landed, the seasons in which species may be taken, possessed or  
169 landed, the number and size of finfish, squid and crabs, including blue  
170 crabs, which may be taken, possessed or landed and the rules  
171 regulating the use of commercial fishing gear, including hours or days  
172 of use, and the number of licenses, permits or registrations which may  
173 be issued. The commissioner may also order the emergency closure of  
174 any fishery if such closure is necessary to conform to regulations  
175 adopted under the Fishery Conservation and Management Act of 1976  
176 (Public Law 94-265, as amended) or by other regional fisheries  
177 management authorities.

178 (e) The commissioner may, during and for any reasonable period of  
179 time prior to and after the spawning period of any inland or marine  
180 game fish or food fish, close any portion of any inland or marine water  
181 where any such fish congregate prior to or during the spawning  
182 season.

183 (f) The commissioner shall revoke any commercial fishing vessel  
184 permit issued under authority of subsection (b) upon conviction or  
185 upon the forfeiture of any bond taken upon any complaint, for the  
186 following offenses: (1) Possession of ten or more egg-bearing lobsters  
187 or lobsters from which the eggs have been removed; (2) possession of  
188 either: (A) Ten or more lobsters less than the minimum length if such  
189 lobsters constitute more than ten per cent of the lobsters on board; or  
190 (B) fifty lobsters which are less than the minimum length, whichever is  
191 the lesser amount; (3) possession of either: (A) Twenty or more finfish  
192 of at least one species which are less than the minimum length if such

193 finfish constitute more than ten per cent of the finfish on board for that  
194 species; or (B) one hundred finfish of at least one species which are less  
195 than the minimum length, whichever is the lesser amount; (4) for a  
196 second offense within seven hundred and thirty days in violation of  
197 regulations relating to bottom trawl nets adopted under section 26-  
198 142a; (5) for a second offense within seven hundred and thirty days for  
199 possession of finfish or lobsters more than ten per cent in excess of  
200 possession limits specified in regulations adopted under authority of  
201 section 26-157c or 26-159a. Said revocation period shall be for one  
202 hundred and eighty days for a first offense, one year for a second  
203 offense, two years for a third offense, and shall be permanent for a  
204 fourth offense. The provisions of this subsection are in addition to and  
205 in no way derogate from any other enforcement provision or penalty  
206 contained in any other statute.

207 (g) Any person who violates any provision of this part relating to  
208 commercial fishing vessel permits shall be fined no more than five  
209 hundred dollars or imprisoned not more than thirty days or both, and  
210 each violation of any provision of this section relating to commercial  
211 fishing vessel permits shall constitute a separate offense.

212 (h) Notwithstanding the requirements of subsection (a) of this  
213 section, no commercial fishing vessel permit shall be required for any  
214 vessel used for the operation of a charter, party or head boat or for a  
215 vessel used for taking of lobsters for personal use only, or a vessel used  
216 for taking inland or marine bait, blue crabs, or [a vessel used to take]  
217 American shad, or any tender vessels used to support a vessel issued a  
218 purse seine registration, or any vessel used in support of a vessel  
219 issued a commercial fishing vessel permit and engage in the operation  
220 of a registered marine pound net.

221 Sec. 2. Subsection (a) of section 26-157b of the general statutes is  
222 repealed and the following is substituted in lieu thereof:

223 (a) Each person who engages in commercial fishing in the waters of  
224 this state, lands lobsters, sea scallops, finfish, crabs or squid for

225 commercial purposes in this state regardless of where such species are  
 226 taken, purchases finfish, lobsters, crabs, sea scallops, squid or bait  
 227 species from commercial fishermen for resale or holds any commercial  
 228 fishing license issued by the commissioner, license to take lobsters for  
 229 personal use, license to take menhaden for personal use, license to buy  
 230 finfish, lobsters, crabs, sea scallops, squid or bait species for resale,  
 231 license to land lobsters, sea scallops, finfish, crabs, or squid, purse  
 232 seine registration or pound net registration shall report to the  
 233 commissioner, at such intervals and at such times as may be required  
 234 and upon forms provided by the commissioner, such information as  
 235 the commissioner deems necessary. The commissioner may request  
 236 that commercial shellfish harvesters of oysters and clams voluntarily  
 237 report, upon forms provided by the commissioner, such information as  
 238 the commissioner deems necessary. The information required to be  
 239 reported or voluntarily submitted may include but is not limited to:  
 240 The number of individuals employed by such person, the number and  
 241 value of boats, nets, apparatus and other devices used, the area fished,  
 242 the effort expended and the number, weight, market value and species  
 243 of finfish, lobsters, oysters, clams, sea scallops, squid, or crabs caught,  
 244 landed or purchased. Each person who holds a party boat, head boat  
 245 or charter boat registration shall report to the commissioner, at such  
 246 times and at such intervals as may be required and upon forms  
 247 provided by the commissioner, such information as the commissioner  
 248 deems necessary, which may include but is not limited to: The number  
 249 of individuals carried for the purpose of fishing, the area fished, the  
 250 effort expended, the number and weight by species of all finfish taken  
 251 and, if any of the catch is sold by such person or by the captain or crew  
 252 of such vessel, the number, weight, species and value of such finfish.

253 Sec. 3. Section 23-33 of the general statutes is repealed and the  
 254 following is substituted in lieu thereof:

255 The [State Forester] Commissioner of Environmental Protection  
 256 shall be, ex officio, the State Forest Fire Warden and shall receive no  
 257 additional compensation therefor, but his necessary traveling and  
 258 other expenses shall be paid by the state.



259       Sec. 4. Section 23-35 of the general statutes is repealed and the  
260 following is substituted in lieu thereof:

261       The State Forest Fire Warden [, under the direction and supervision  
262 of the Commissioner of Environmental Protection,] shall equip trained  
263 fire-fighting crews at major department field facilities and maintain  
264 them during periods when forest fires are most likely to occur. Such  
265 crews shall be prepared to respond to requests for assistance when a  
266 fire occurs on or endangers either state or private forest and timber  
267 land, or upon call from the United States Forest Service to assist them  
268 or any requesting state in the suppression of forest fires.

269       Sec. 5. Section 23-36 of the general statutes is repealed and the  
270 following is substituted in lieu thereof:

271       The State Forest Fire Warden may take such action as [he] said  
272 warden deems necessary to provide for the prevention and control of  
273 forest fires. [He] Said warden may enter into agreements with federal  
274 agencies, with cities, boroughs and fire districts and with forest  
275 protective associations for the purpose of carrying out the provisions  
276 of this section. [He] Said warden shall divide the state into districts for  
277 the purpose of preventing and controlling forest fires and shall appoint  
278 within these districts such district fire wardens, not exceeding two  
279 hundred and fifty, as [he] said warden deems necessary, who shall  
280 serve for two years or until their successors are appointed. [Said state  
281 warden] The State Forest Fire Warden shall have supervision of district  
282 fire wardens [,] and shall instruct them in their duties. [and shall cause  
283 violations of the laws regarding forest fires to be prosecuted.] Each  
284 district fire warden may, with the approval of the [state warden] State  
285 Forest Fire Warden, appoint deputies to assist [him] the State Forest  
286 Fire Warden in extinguishing fires and to take charge of such  
287 extinguishing in [his] said warden's absence, provided, in cities having  
288 paid fire departments and whose boundaries are coterminous with the  
289 town boundaries, the State Forest Fire Warden may appoint a district  
290 fire warden and may assume responsibility for forest fires only upon  
291 the written request of the mayor of such city and for such portions as

292 may be designated by such mayor. Cities without paid fire  
293 departments and portions of towns outside of city limits shall be  
294 included in forest fire districts and the State Forest Fire Warden may  
295 employ volunteer fire companies under the conditions described in  
296 this section and sections 23-37 to 23-42, inclusive, as amended by this  
297 act. [but no compensation shall be paid to such volunteer fire  
298 companies under the provisions thereof except as herein provided.]  
299 The State Forest Fire Warden may establish rates of compensation for  
300 equipment usage, fire-fighting materials and supplies expended and  
301 fire fighter and laborer time expended in extinguishing forest fires to  
302 be paid to such volunteer fire companies as may be employed. In  
303 establishing such rates, the State Forest Fire Warden may differentiate  
304 between various kinds of equipment and materials and supplies used,  
305 shall consider the provisions of section 23-39, as amended by this act,  
306 and shall apply to the establishment of rates of compensation for fire  
307 fighter and laborer time. Notwithstanding any other provision of the  
308 general statutes or any municipal ordinance, upon the declaration by  
309 the Governor of the existence of a state of emergency due to forest fire,  
310 the State Forest Fire Warden may assume direct authority over efforts  
311 to extinguish any forest fire and may assign such authority to any state  
312 forest fire control personnel.

313 Sec. 6. Section 23-37 of the general statutes is repealed and the  
314 following is substituted in lieu thereof:

315 (a) State forest fire control personnel and district and deputy fire  
316 wardens shall, under the supervision of the State Forest Fire Warden  
317 [.] and use all necessary means to prevent and extinguish forest fires,  
318 [and enforce all statutes for the protection of forest and timber land  
319 from fire.]

320 (b) [They] Such state forest fire control personnel shall [have] assist  
321 the fire chief or the fire officer-in-charge in the control and direction of  
322 all persons and apparatus while engaged in extinguishing forest fires  
323 in their respective districts, or in other districts under the instructions  
324 of the State Forest Fire Warden.

325 (c) Such state forest fire control personnel and fire wardens may  
326 destroy fences, plow land or, in an emergency, close roads, with or  
327 without detours, and set backfires to hasten the control of any fire.

328 (d) [They] Such state forest fire control personnel may summon any  
329 resident of the state between the ages of eighteen and fifty years to  
330 assist in extinguishing fires, and may also require the use of [horses]  
331 equipment, motor vehicles and other property needed for such  
332 purposes. Any person so summoned, who is physically able, who  
333 refuses or neglects to assist or to allow the use of [horses, wagons]  
334 equipment, motor vehicles or other material or property, or wilfully  
335 interferes with or hinders any warden or other person having  
336 authority under this section, shall be fined not more than [one] two  
337 hundred dollars.

338 (e) No action for trespass shall lie against any person crossing or  
339 working upon lands of another to extinguish fire or for investigation  
340 thereof.

341 [(f) Any state forest fire control personnel or fire warden shall have  
342 all the powers of a deputy sheriff in the arrest of any person for an  
343 alleged violation of the provisions of any statute for the protection of  
344 forest and timber land.]

345 Sec. 7. Section 23-37a of the general statutes is repealed and the  
346 following is substituted in lieu thereof:

347 Upon written request by any fire company which may be called  
348 upon to fight forest fires, the Commissioner of Environmental  
349 Protection shall provide such company, from reserves available to the  
350 commissioner, with forest fire-fighting equipment. Such company shall  
351 be responsible for the maintenance of such equipment, [, and said  
352 commissioner shall be responsible for its replacement.]

353 Sec. 8. Section 23-38 of the general statutes is repealed and the  
354 following is substituted in lieu thereof:

355 [The district fire wardens shall] State forest fire control personnel  
356 may post such notices relating to forest fires and the statutes  
357 concerning fires as the State Forest Fire Warden prepares, and any  
358 person who wilfully or maliciously tears down or destroys any such  
359 notice shall be fined ten dollars.

360 Sec. 9. Section 23-39 of the general statutes is repealed and the  
361 following is substituted in lieu thereof:

362 The compensation of district and deputy fire wardens, trained fire  
363 fighters organized in accordance with rules issued by the State Forest  
364 Fire Warden and such laborers as said warden finds it necessary to  
365 employ shall be fixed by [him] said warden on an hourly basis, subject  
366 to the approval of the Commissioner of Administrative Services.  
367 Volunteer fire companies may be compensated in accordance with  
368 section 23-36, as amended by this act. The chief of the fire department  
369 in any town, city or borough who receives a regular salary shall be  
370 paid no additional compensation when acting as a fire warden. [Such]  
371 District fire wardens shall prepare their bills for services rendered by  
372 them and by the [men] personnel and automobiles and other  
373 apparatus employed or used by them in extinguishing fires. The chief  
374 of any volunteer fire company may prepare bills for services rendered  
375 by said company and by the personnel and automobiles and other  
376 apparatus employed or used by them in extinguishing forest fires,  
377 provided said company is allowed by town ordinance to receive  
378 payment for such bills. Such bills shall be in a form prescribed by the  
379 State Forest Fire Warden and shall be submitted to the State Forest Fire  
380 Warden within one month after the services have been rendered, and,  
381 if found correct and approved by [him] said warden, shall be ordered  
382 paid by the State Comptroller. A copy of each bill so paid on account  
383 of any fire within a city, as provided in section 23-36, as amended by  
384 this act, shall be sent by the State Forest Fire Warden to the city  
385 treasurer of the city in which the fire occurred, except bills for which a  
386 railroad company is liable under the provisions of section 23-42, as  
387 amended by this act, and, on or before the tenth day of December in  
388 each year, such city treasurer shall draw [his] the treasurer's order in

389 favor of the State Treasurer for the full amount of such bills submitted  
390 during the twelve months next preceding. The State Forest Fire  
391 Warden may forgive such bills if the state would incur administrative  
392 costs in collecting the debt owed that would exceed the actual debt  
393 owed. Bills for expenses incurred or services rendered by district or  
394 deputy wardens in the performance of duties other than fire fighting  
395 shall be submitted to the State Forest Fire Warden on or before the  
396 tenth day of December and the tenth day of June in each year. [, and, if  
397 approved by said state warden, he shall add to the amount of each bill  
398 so incurred by district wardens the sum of ten dollars. Such bills shall  
399 then] Upon approval of the State Forest Fire Warden, such bills shall  
400 be ordered paid by the State Comptroller from any sums available for  
401 the expenses of the State Forest Fire Warden. All fire warden bills  
402 authorized by sections 23-37, as amended by this act, 23-38, as  
403 amended by this act, 23-40 to 23-42, inclusive, as amended by this act,  
404 and this section shall show in detail the amount and character of the  
405 services performed, the exact duration thereof and all disbursements  
406 made by such wardens.

407       Sec. 10. Section 23-40 of the general statutes is repealed and the  
408 following is substituted in lieu thereof:

409       The [state forest fire warden] State Forest Fire Warden may appoint  
410 [patrolmen] patrol personnel, who shall receive compensation for the  
411 time actually employed, and may establish and equip fire lookout  
412 stations and furnish necessary equipment for such [patrolmen] patrol  
413 personnel. Any [patrolman] patrol personnel so appointed for such  
414 purpose shall have [all the powers of a deputy sheriff in the arrest of  
415 any person for an alleged violation of any provision of the statutes for  
416 the protection of forest and timber land and shall also have] authority  
417 to summon assistance as provided in section 23-37, as amended by this  
418 act, and to render bills for such expenses as provided in section 23-39,  
419 as amended by this act.

420       Sec. 11. Section 23-42 of the general statutes is repealed and the  
421 following is substituted in lieu thereof:

422 Any railroad company which, through act of its employees or  
 423 agents, by sparks from its locomotives or otherwise, sets fire to trees,  
 424 brush or grass on lands outside the right-of-way of such company,  
 425 shall be liable to the state for the lawful expenses incurred by [fire  
 426 wardens] the State Forest Fire Warden in extinguishing such fire. The  
 427 bill for any such fire shall be submitted by the warden or fire chief in  
 428 charge to the State Forest Fire Warden. If approved by [him] the State  
 429 Forest Fire Warden, it shall be ordered paid by the State Comptroller.  
 430 A statement of all such bills paid by the state during the previous six  
 431 months shall be submitted on or before the tenth day of December and  
 432 the tenth day of June in each year by the State Forest Fire Warden to  
 433 the railroad company liable under the provisions of this section. Such  
 434 statement shall be accompanied by copies of all bills on which the  
 435 claim is based and shall be paid by such railroad company to the State  
 436 Treasurer. Each section [foreman] foreperson employed by a railroad  
 437 company, upon the discovery of any fire in the section under [his] the  
 438 jurisdiction of the foreperson, for which such company is liable under  
 439 the provisions of this section, shall summon necessary assistance,  
 440 proceed to the fire and extinguish it, and shall give such assistance to  
 441 [the district fire warden] state forest fire control personnel as may,  
 442 from time to time, be requested by such [warden] personnel.

443 Sec. 12. Section 23-44 of the general statutes is repealed and the  
 444 following is substituted in lieu thereof:

445 As to any portion of any railroad right-of-way and contiguous land  
 446 that may be found by the Commissioner of Transportation to  
 447 constitute such a fire hazard, the commissioner, upon [his own] motion  
 448 of said commissioner or at the request of the State Forest Fire Warden  
 449 or of the owner or owners of any land adjoining such portion, shall  
 450 have power, from time to time, to order the railroad company  
 451 operating such railroad to furnish a patrol whose duty it shall be to  
 452 cover such portion of the right-of-way and contiguous land in dry  
 453 seasons and to extinguish any fires set by the locomotives of such  
 454 railroad company. The commissioner may also, with the consent of  
 455 any owner or owners of land bordering upon such right-of-way,

456 require such railroad company to [plow a fire line] create a fire break  
457 meeting specifications established by the State Forest Fire Warden on  
458 the land of such owner or owners, such line [not to exceed ten feet in  
459 width and] to be located not more than two hundred feet from the  
460 nearest track of such railroad, or to clear the brush and inflammable  
461 material from a strip of land whose outer limit shall be not more than  
462 two hundred feet from such nearest track. The commissioner may also  
463 require each railroad company operating a railroad in this state,  
464 between the first day of September and the first day of December in  
465 each year, to cause to be cut and destroyed all dead grass and weeds  
466 on such portions of the right-of-way of such railroad company as have  
467 been found by said commissioner to constitute fire hazards amounting  
468 to public menace.

469       Sec. 13. Section 23-49a of the general statutes is repealed and the  
470 following is substituted in lieu thereof:

471       (a) No person shall kindle or use fire in the open air within one  
472 hundred feet of woodland, brushland, or area containing dried grass  
473 that is adjacent to any woodland or brushland, when the forest fire  
474 danger, as declared by the State Forest Fire Warden, is high or extreme,  
475 or during a drought emergency as declared by the State Forest Fire  
476 Warden. When weather conditions indicate that such forest fire danger  
477 exists, the State Forest Fire Warden shall make public announcement  
478 of the fact, using such news media as may be available, [to him,] and  
479 the provisions of this section shall then be in effect until cancelled by  
480 said [forest fire] warden.

481       (b) Notwithstanding any provision of subsection (a) of this section  
482 to the contrary, an owner of land or [his] an agent of such owner may  
483 apply to the State Forest Fire Warden or the [fire warden of the district  
484 in which such land is located or his deputy] designee of said warden  
485 for a special burning permit during such period of burning ban. If  
486 [such fire warden or his agent] the State Forest Fire Warden or  
487 designee is of the opinion that the proposed burning is of immediate  
488 necessity, will not be in conflict with local or state regulatory authority,

489 and that the permittee has the necessary equipment and manpower to  
490 confine the fire, [such fire warden] the State Forest Fire Warden may  
491 issue a special burning permit stating the location, time and conditions  
492 under which such burning is to be effected.

493 (c) Any person who violates any of the provisions of subsection (a)  
494 of this section shall be fined not more than two hundred dollars or  
495 imprisoned not more than six months or both.

496 (d) Nothing contained in this section shall limit any duly authorized  
497 public authority from carrying out their assigned duties where the use  
498 of fire is necessary to the reduction of a health or fire hazard.

499 Sec. 14. (NEW) The Commissioner of Environmental Protection may  
500 provide outdoor recreation-related services to the public at recreation  
501 areas at state parks and state forests. Such services may include rentals  
502 of bicycles, boats, cabins and tents, sale of firewood and operation of  
503 camp stores supplying camping necessities. Fees for such services shall  
504 be set by the commissioner, according to market value. Revenue from  
505 such services shall be deposited in the Conservation Fund established  
506 pursuant to section 22a-27h of the general statutes and credited to a  
507 new account within the Conservation Fund for use in state park and  
508 forest facilities. Such services and fees shall not affect admission,  
509 parking, camping and related existing fees. No services shall compete  
510 with a concessionaire under contract with the Department of  
511 Environmental Protection at the time such service is offered.

512 Sec. 15. Sections 23-34 and 23-51 of the general statutes are repealed.

**ENV Committee Vote:** Yea 24 Nay 0 JFS

**FIN Committee Vote:** Yea 44 Nay 0 JF